

found similar deficiencies, and suspended accreditation of the lab's chemistry and point-of-care departments for 30 days.

To its credit, Maryland General Hospital conducted its own internal review and vigorously undertook efforts both to retest the affected patients and to revamp the lab's leadership and operations.

Fortunately, retesting verified the accuracy of the overwhelming majority of the HIV and Hepatitis C tests. In addition, Maryland General has made enormous strides in improving its lab operations so that patients receive test results that are accurate and reliable.

Nevertheless, Mr. Speaker, this is a situation that caused great distress to the community that Maryland General serves, and I should note that I live in that community and have received care at Maryland General Hospital. This is a situation that could have put many lives in jeopardy and one that simply should never have occurred given the regulatory safeguards that exist to ensure quality testing.

Mr. Speaker, Congress recognized the importance of ensuring that all Americans receive accurate diagnostic test results when it enacted federal standards for medical laboratories under the Clinical Laboratories Improvement Amendments Act of 1998, now known as "CLIA." Under CLIA, the Centers for Medicare and Medicaid Services (CMS) were charged with developing and implementing regulations to ensure that all labs conform to strict federal standards.

Pursuant to CLIA regulations and agreements between CMS and the states, clinical laboratories that choose to be accredited by CAP or one of the five other private accrediting organizations are "deemed" to be in compliance with federal and state regulatory requirements and can bill for services provided to Medicare beneficiaries.

Mr. Speaker, there is no doubting the fact that CLIA has made medical testing more accurate and more reliable and, surely, the overwhelming majority of labs do their best to conform to these high standards. Unfortunately, the Maryland General case clearly demonstrates that not all laboratories will play fair and that the current system does not guarantee that serious instances of noncompliance will be detected or corrected.

Testimony before the Subcommittee indicated that, in the Maryland General Hospital case: laboratory supervisors failed to implement quality control measures and deliberately masked lab deficiencies from inspectors from CAP and the state; employees who complained were subject to retaliation and intimidation; state and CAP inspection teams were unable to identify or verify serious ongoing deficiencies during accreditation and complaint surveys; and enforcement entities failed to share information about reports of deficiencies, investigative actions taken, and their investigative findings.

Since our hearings concluded, another CAP-accredited laboratory in my state, Reference Pathology Services of Maryland, had its CAP accreditation and state license revoked because of longstanding deficiencies related to testing for sexually transmitted diseases and cervical cancer. This case and other information brought to the Subcommittee's attention suggest that at least some of the problems that occurred at Maryland General are not unique to the Maryland General case.

Chairman SOUDER and I have asked the Government Accountability Office (GAO) to examine a number of issues related to the enforcement of federal standards for labs and I expect that investigation to tell us more about the prevalence of such problems.

For now, it is unclear how many other laboratories may be experiencing such problems and, certainly, one would hope the number is few. But the record gives us little assurance that what happened at Maryland General could not occur elsewhere and I believe the Maryland General case reveals weaknesses in the current system for ensuring compliance with federal clinical laboratory standards.

The bill I am introducing today aims to correct the weaknesses that are apparent.

The Clinical Laboratory Compliance Improvement Act of 2004 seeks to improve compliance with laboratory standards by (a) facilitating the disclosure and detection of deficiencies by employees and (b) increasing cooperation and accountability among entities involved in the accreditation and monitoring of federally regulated medical labs.

Specifically, the bill would amend Section 1846 of the Social Security statute to:

(1) Establish whistleblower protections for employees of clinical laboratories and providers;

(2) Require the Centers for Medicare and Medicaid Services, state health agencies, and private laboratory accrediting organizations such as CAP to share information about reports of deficiencies and investigative activity undertaken pursuant to such reports;

(3) Require that standard accreditation surveys be conducted without prior notice to the provider or clinical laboratory facility to be surveyed; and

(4) Require the Secretary of Health and Human Services to submit an annual report to Congress describing how CMS, private accrediting organizations, and state health agencies responded to reports of deficiencies during the preceding year.

The whistleblower provisions would facilitate reporting of deficiencies by: Requiring that participating providers and clinical laboratories post a conspicuous notice advising employees how and to whom to report deficiencies; prohibiting retaliation by providers and clinical laboratories against employees who report deficiencies to CMS, accrediting organizations, or state health agencies; and establishing a federal cause of action for employees who are retaliated against for reporting deficiencies.

With regard to unannounced inspections, the bill sets forth a civil monetary penalty of up to \$2,000 for persons who provide notice to a lab or provider about the timing of a survey.

Mr. Speaker, it is sad but true that we cannot afford to take it for granted that all laboratories will approach compliance with laboratory standards in a good faith manner, or even that deficiencies will be discovered when conscientious lab employees want to disclose them.

The Clinical Laboratory Compliance Improvement Act of 2004 would reduce the likelihood that serious laboratory deficiencies will escape the notice of entities charged with ensuring compliance with the standards that we in Congress have established to ensure a high standard of healthcare for all Americans.

I urge my colleagues to join me in demonstrating their support for strengthening our national system for ensuring accuracy and accountability in medical laboratory testing.

I invite my colleagues to cosponsor this important legislation.

Finally, I want to thank my Subcommittee counsel, Tony Haywood, as well as Jolanda Williams, Trudy Perkins and Kimberly Ross of my staff for their tireless work on this issue.

PERSONAL EXPLANATION

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 8, 2004

Mr. MATSUI. Mr. Speaker, I was absent on Friday, October 8, 2004, and missed the rollcall votes ordered, due to illness.

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 8, 2004

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes 494–497, 502, 505, 507–508, 510–512, 517, 518, 520–524, and 526–527. Had I been present, I would have voted "aye" on rollcall votes 495, 496, 497, 502, 505, 507–508, 510, 511, 512, 517, 518, 520, 521, 522, and 527. I would have voted "nay" on rollcall votes 494, 523, 524 and 526. Mr. Speaker, I ask unanimous consent that my statement appear in the permanent RECORD.

CONFERENCE REPORT ON H.R. 4520, AMERICAN JOBS CREATION ACT OF 2004

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 2004

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in opposition to H.R. 4520, the so-called American Jobs Creation Act, because it is just another example of the Republicans' seriously misplaced priorities. Instead of closing corporate tax loopholes to fund housing, education, and veterans' programs, the Republicans decided to give 276 new tax breaks in industries from oil and gas corporations to tackle boxes and ceiling fans makers. Instead of encouraging companies to create jobs in the U.S., the Republicans chose to reward companies that export jobs overseas. Instead of helping six million working families make ends meet, the Republicans decided to strip the overtime protections in the Senate bill and erode the 40-hour work week. Instead of regulating tobacco, a drug that kills 400,000 people every year, the Republicans gave tobacco companies a bail out. It seems the Republicans are interested in helping big businesses avoid paying their fair share of taxes and subsidizing the tobacco industry, even if it is at the expense of American workers and families.

The Republicans rammed through those corporate taxes cuts, although corporate taxes are at their lowest level since the 1930s. The

Government Accountability Office recently revealed that over 60-percent of large corporations do not pay any taxes. In fact, a recent study of 275 of the Fortune 500 companies revealed that those companies alone have avoided paying over \$175.2 billion in owed taxes.

The Republicans claim the tax cuts for corporations in H.R. 4520 will not add to the large deficit our country has ever faced. However, a study by the Center for Budget and Policy Priorities reveals that once all their cost-hiding gimmicks are stripped away, this bill will put us at least \$80 billion more in debt than we are today. The increase in debt will mean more cuts to vital programs, such as children's health care and homeland security. This new round of tax cuts is a continuation of the failed Bush economic policies that turned a federal surplus into deficit. We do not need more of the same, we need a new direction.

We have lost a net total of over one million jobs since President Bush took office. With the passage of H.R. 4520, we are at risk of losing even more American jobs. H.R. 4520 adds even more incentives for corporations to ship jobs overseas. But, not only are Republicans intent on aggravating our already dismal jobs picture, they are also acting to severely undermine the quality of jobs that do stay in our country.

The few new jobs that have been created in the past few months pay an average of \$9,000 less than the jobs they are replacing and many lack affordable health benefits. Yet, the Republican conferees rejected a Senate provision in H.R. 4520 that would have restored six million workers' right to overtime that the Administration took away earlier this year. The Republicans have total disregard for the fact that costs for basic necessities, like health care and energy, have skyrocketed and that families must make do with much less income.

What H.R. 4520 did include was a \$10 billion bail out for the Big Tobacco—that is equal to the tobacco industry's advertising budgets for one year. In another win for the tobacco industry, the Republicans refused to include the Senate to allow the Federal Drug Administration to regulate tobacco products. According to recent statistics, more than 400,000 people die each year from tobacco-related diseases and, if action is not taken, more than five million children living today will ultimately die as a result. We cannot afford this loss of life or the \$89 billion in annual public and private health care costs attributable to tobacco. The passage of H.R. 4520 shows that not only do the Republicans have complete disregard for our fiscal health, but our children's physical health as well.

H.R. 4520 is a shameful bill that will make millions of Americans pay through cuts to vital programs, like health care for children and heating assistance for seniors, cuts to U.S. jobs, and cuts to workers' protections in order to subsidize big business and special interests.

9/11 RECOMMENDATIONS IMPLEMENTATION ACT

SPEECH OF

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 2004

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 10) to provide for reform of the intelligence community, terrorism prevention, and prosecution, border security, and international cooperation and coordination, and for other purposes:

Ms. ROYBAL-ALLARD. Mr. Chairman, in November 2002, Congress authorized the creation of a bipartisan 9–11 Commission to prepare a report on the status of our intelligence prior to the terrorist attacks on September 11, 2001, the effectiveness of our response to those attacks, and to make recommendations to strengthen identified weaknesses. I applaud the work of the commission and support their recommendations to strengthen our country against attacks at home and abroad.

It is critical to our national security that Congress act quickly and thoughtfully to implement the 9–11 Commission's recommendations. I was hopeful, therefore, that the Republican leadership would put the interest of the country ahead of political considerations and bring to the floor a bipartisan bill that would protect our country from terrorist attacks. Unfortunately, the bill before us, H.R. 10, as currently written, fails to meet this standard, and I must reluctantly oppose it.

H.R. 10 is full of extraneous provisions that have nothing to do with the 9–11 Commission recommendations. The Republican leadership has added highly divisive immigration-related provisions which have been criticized by the chairman and vice chairman of the 9–11 Commission, the families of the 9–11 victims, and even the White House. For example, the bill seeks to deport people without due process, punish those seeking asylum, return victims of torture to cruel governments, and prevent hardworking individuals from obtaining basic forms of identification.

The serious problems with H.R. 10 could have easily been avoided had the Republican leadership written this bill in a bipartisan manner. Instead, they removed provisions that were passed in committee on a bipartisan basis. At a time that our country is at war and we are threatened on a daily basis by potential terrorist attacks, it is unconscionable that the Republican leadership has turned the bipartisan recommendations of the 9–11 Commission into a politically divisive piece of legislation.

The Senate has proceeded in a bipartisan manner and passed, by an overwhelming vote of 96 to 2, an intelligence reform bill that follows the framework recommended by the bipartisan 9–11 Commission. It is my sincere hope that the serious problems with H.R. 10 will be resolved when the final product emerges. Americans are trusting that Congress will push partisan politics aside and unite in support of legislation that will truly make this country safer.

FREEDOM FOR FIDEL SUÁREZ CRUZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 8, 2004

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Fidel Suárez, a political prisoner in totalitarian Cuba.

Mr. Suárez Cruz is a farmer and pro-democracy activist in totalitarian Cuba. He is a member of the Party for Human Rights in Cuba. Mr. Suárez Cruz also heads the private library "San Pablo." Because of his admirable beliefs in freedom, democracy, and human rights, Mr. Suárez Cruz has been the target of the nightmare called the Castro regime.

According to Amnesty International, in 2000 Mr. Suárez Cruz was sentenced to 6 months of restricted freedom for "disobedience" for fishing in a restricted area; however, this sentence was changed to imprisonment in the totalitarian gulag because he was arrested for carrying out peaceful political activities.

On March 18, 2003, as part of the dictator's condemnable crackdown on peaceful pro-democracy activists, Mr. Suárez Cruz was arrested because of his belief in freedom and human rights. In a sham trial, he was "sentenced" to 20 years in the inhuman, totalitarian gulag.

Mr. Suárez Cruz is currently languishing in an infernal cell in the totalitarian gulag. These depraved conditions are truly appalling. The State Department describes the conditions in the gulag as, "harsh and life threatening." The State Department also reports that police and prison officials beat, neglect, isolate, and deny medical treatment to detainees and prisoners, including those convicted of political crimes. It is a crime of the highest order that people who work for freedom are imprisoned in these nightmarish conditions.

Mr. Speaker, Mr. Suárez Cruz is suffering in a grotesque gulag because he believes in freedom. My Colleagues, we cannot allow peaceful pro-democracy activists to languish in the depraved prisons of tyrants. We must demand immediate freedom for Fidel Suárez Cruz and every prisoner of conscience in totalitarian Cuba.

9/11 RECOMMENDATIONS IMPLEMENTATION ACT

SPEECH OF

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 2004

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 10) to provide for reform of the intelligence community, terrorism prevention and prosecution, border security and international cooperation and coordination, and for other purposes:

Mr. RUPPERSBERGER. Mr. Chairman, this is a historic moment for our Nation as we take a giant step forward in national security by reforming our intelligence community to make our citizens and our communities safer. These reforms include the establishment of a National Intelligence Director and the implementation of new information sharing strategies to